



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 16

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL, MN 55133-3427

COPY MAILED

SEP 12 2002

OFFICE OF PETITIONS

In re Application of :
Chia-Tie Ho et al :
Application No. 09/710,036 :
Filed: November 10, 2000 :
Attorney Docket No. 53788USA1B.011 :

ON PETITION

This is a decision on the petition to withdraw holding of abandonment filed, August 22, 2002 or, in the alternative, under 37 CFR 1.137(a) to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the application from issue.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED** as moot in view of the granting of the petition to withdraw holding of abandonment.

The petition under 37 CFR 1.313(c)(2) is also **DISMISSED** as moot for the reason set forth below.

The application was held abandoned for failure to timely pay the issue fee on or before November 14, 2001.

Petitioner asserts that the above-identified application went abandoned due to nonreceipt of the Notice of Allowance. The evidence submitted, as well as the file record of this case, discloses nonreceipt of the Notice of Allowance mailed August 14, 2001 due to the mailing thereof to an incorrect correspondence address by the Office.

It is the practice of the Office to restart the time period if a new Notice is required. However, in this instance, the Request for Continued Examination (RCE) will be used as the reply to continue examination. Therefore, the issue fee paid is unnecessary. Accordingly, petitioner may

request a refund of the \$1280 issue fee, as well as the \$15 advanced order fee, by writing to the Office of Finance Refund Section or, in the alternative, petitioner may request that the issue fee be applied towards the new Notice of Allowance. However, the request to apply the previously paid issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision.

Telephone inquiries concerning this decision should be directed to Karen Creasy at (703) 305-8859.

The application file is being forwarded to Technology Center Art Unit 1711 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy for

Frances Hicks

Lead Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy